

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALEX STENGEL and KATIE STENGEL,

Plaintiffs,

v.

AMERICAN FAMILY INSURANCE
COMPANY,

Defendant.

AMERICAN FAMILY INSURANCE COMPANY,

Counterclaim Plaintiff,

v.

ALEX STENGEL and KATIE STENGEL,

Counterclaim Defendants.

AMERICAN FAMILY INSURANCE COMPANY,

Third-Party Plaintiff,

v.

DANIEL THOMAS BARKER, ADAM BLAGG,
and NW CLAIMS MANAGEMENT, LLC,

Third-Party Defendants.

Case No.: 3:22-cv-00802-YY

ORDER

Adrienne Nelson, District Judge


United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on April 26, 2024. Judge You recommended that this Court grant third-party defendant Daniel Thomas Barker's Motion for Summary Judgment against third-party plaintiff American Family Insurance Company ("American Family") and dismiss American Family's claims against Barker with prejudice. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge You's Findings and Recommendation, ECF [82]. Accordingly, Barker's Motion for Summary Judgment, ECF [59], is GRANTED, and American Family's claims against Barker are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 16th day of May, 2024.



Adrienne Nelson
United States District Judge